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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:
Commissioner for Patents
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Application No.	09/517,705
Filing Date	March 2, 2000
First Named Inventor	Chunlin Liang
Group Art Unit	2811
Examiner Name	Steven Ho Yin Loke
Attorney Docket Number	42390P5771D

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR § 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on (Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☒ Other Copies of references (2) Return Postcard

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2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other

3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 02-2666.
- i. ☐ RCE fee required under 37 C.F.R. § 1.17(e) and any additional claims fee(s)
- ii. ☒ Extension of time fee (37 C.F.R. § 1.136 and 1.17)
- iii. ☐ Other: (\$00)
- b. ☒ Check in the amount of \$0.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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750.00 0P

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Raul D. Martinez	Registration No. (Attorney/Agent)	46,904
Signature	<i>Raul D Martinez</i>	Date	January 21, 2003

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail with sufficient postage in an envelope addressed to: Box RCE, Assistant Commissioner for Patents, Washington, D.C. 20231 on:

January 21, 2003

Name (Print/Type)	Lillian E. Rodriguez	Date	January 21, 2003
Signature	<i>Lillian E. Rodriguez</i>		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Box RCE, Washington, DC 20231.



FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$) 750.00

Complete if Known

Application Number 09/517,705
Filing Date March 2, 2000
First Named Inventor Chunlin Liang
Examiner Name Steven Ho Yin Loke
Group/Art Unit 2811
Attorney Docket No. 42390P5771D

METHOD OF PAYMENT (check one)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☐ Deposit Account

Deposit Account Number 02-2666

Deposit Account Name Blakely, Sokoloff, Taylor & Zafman LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
4	20	0	\$0.00
Independent Claims	1	2	0
Multiple Dependent			

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple Dependent claim, if not paid	
1204	84	2204	42	**Reissue independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$) 0.00

*or number previously paid, if greater. For Reissues, see below

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
2053	130	2053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for ex parte reexamination
1804	920 *	1804	920 *	Requesting publication of SIR prior to Examiner action
1805	1,840 *	1805	1,840 *	Requesting publication of SIR after Examiner action
1251	110	2251	55	Extension for reply within first month
1252	410	2252	205	Extension for reply within second month
1253	930	2253	465	Extension for reply within third month
1254	1,450	2254	725	Extension for reply within fourth month
1255	1,970	2255	985	Extension for reply within fifth month
1404	320	2401	160	Notice of Appeal
1402	320	2402	160	Filing a brief in support of an appeal
1403	280	2403	140	Request for oral hearing
1451	1,510	2451	1,510	Petition to institute a public use proceeding
1452	110	2452	55	Petition to revive - unavoidable
1453	1,300	2453	650	Petition to revive - unintentional
1501	1,300	2501	650	Utility issue fee (or reissue)
1502	470	2502	235	Design issue fee
1503	630	2503	315	Plant issue fee
1460	130	2460	130	Petitions to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	750	1809	375	Filing a submission after final rejection (37 CFR § 1.129(a))
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))
1801	750	2801	375	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application

Other fee (specify) _____

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 750.00

SUBMITTED BY

Name (Print/Type) Raul D. Martinez Registration No. 46,904 Telephone (310) 207-3800
Signature Raul D. Martinez Date 01/21/03

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application to the USPTO. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.



Our Ref. No.: 42390P5771D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Chunlin Liang, et al.

Application No.: 09/517,705

Filed: March 2, 2000

For: COMPLEMENTARY METAL GATE
ELECTRODE TECHNOLOGY

Examiner: Steven Ho Yin Loke

Art Unit: 2811

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Washington, D.C. 20231

RESPONSE TO FINAL OFFICE ACTION

In response to the Final Office Action dated November 20, 2002, Applicants respectfully request reconsideration in light of the remarks that follow.

REMARKS

In this response, Applicants do not amend or cancel any claims. Applicants do not add any claims. Accordingly, Claims 1, 2, 16 and 17 are pending.

I. Claims Rejected Under 35 U.S.C. § 102(b)

The Patent Office rejects Claims 1, 2 and 16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,399,605 to Dash, et al. ("Dash"). Applicants respectfully traverse this rejection.

In order to anticipate a claim, the relied upon reference must disclose every limitation of the claim. Among other limitations, independent Claim 1 recites a circuit device having a first metal gate electrode and a second metal gate electrode that are not in direct physical contact with each other. Applicants submit that at least this limitation is not disclosed by Dash.

In maintaining the rejection, the Patent Office relies on Dash to show a circuit device having a first metal gate electrode (a portion of layer 56) and a second metal gate electrode 50, which are not in direct physical contact with each other. However, Applicants respectfully disagree with the Patent Office's characterization of conductive line 56 as a first metal gate electrode that is not in direct physical contact with second metal gate electrode 50. Specifically, Applicants first note that only a cursory review of Figure 9 of Dash shows that conductive line 56 is one contiguous structural element with no physical barriers, gaps, or divisions. Thus, the figures of Dash would lead one of skill in the art to believe that the entire structure should be considered as a single element. Furthermore, the specification of Dash describes conductive line 56 as a single layer that acts as a gate electrode for the N-channel transistor and as a contact with the platinum silicide gate electrode 50 of the P-channel transistor (Col. 4, lines 13-21).

In this regard, Applicants note that in the absence of any recognizable division or boundaries between the left side of conductive line 56 and the right side of conductive line 56, it is not reasonable to infer a division of the single structural element disclosed by Dash simply for convenience. Moreover, the fact that single structural element 56 performs two functions (e.g., gate electrode for N-channel transistor and a contact with gate electrode 50), does not render the single structural element into two structural elements, as implied by the Patent Office. Furthermore, Applicants point out that conductive line 56 acts as a contact with gate electrode 50, which necessarily requires that conductive line 56 actually contacts gate electrode 50. Therefore, Dash cannot be reasonably interpreted to disclose a first gate electrode and a second gate electrode that are not in direct physical contact with each other, as recited in Applicants' independent Claim 1.

Accordingly, Applicants respectfully request withdrawal of the rejection of independent Claim 1. Claims 2 and 16 depend from Claim 1 and are not anticipated at least for the same reasons.

II. Claims Rejected Under 35 U.S.C. § 103(a)

The Patent Office rejects Claim 17 under 35 U.S.C. § 103(a) as being obvious over Dash. Applicants respectfully traverse this rejection.

In order to render a claim obvious, the relied upon reference must teach or suggest every limitation of the claim such that the invention as a whole would have been obvious at the time the invention was made to one skilled in the art. Claim 17 depends from independent Claim 1 and contains all of the limitations thereof. Therefore, the same reasoning and argument set forth above regarding Claim 1 applies equally here to Claim 17. Specifically, as mentioned above, Dash fails to teach or suggest a circuit device having a first metal gate electrode and a second metal gate electrode that are not in direct physical contact with each other, as recited in Claim 17.

Accordingly, Applicants respectfully request withdrawal of the rejection of Claim 17.

CONCLUSION


In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 1/21, 2003


Raul D. Martinez
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CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box RCE, Assistant Commissioner for Patents, Washington, D.C. 20231, on January 21, 2003.


Lillian E. Rodriguez

1-21-03
January 21, 2003